



CONEJOS COUNTY
CLEAN WATER INC.

227690

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Office of Proceedings

August 26, 2010

AUG 25 2010

Part of
Public Record

Re: San Luis & Rio Grande Railroad – Petition for Declaratory Order; Docket No. FD 35380

Dear Members of the Surface Transportation Board:

This letter is submitted on behalf of a local non-profit organization, Conejos County Clean Water, consisting of members of the local Conejos County community who are affected by the San Luis & Rio Grande Railroad (SLRG) proposal for a containerized truck-to-rail solid waste transload facility at Antonito, Colorado. The SLRG has petitioned the Surface Transportation Board for a declaratory order seeking a declaratory order to determine whether the Board's jurisdiction preempts the land use code of Conejos County, Colorado that might otherwise apply to SLRG's proposed operation. The Surface Transportation Board issued a Decision dated August 12, 2010 setting a briefing schedule with respect to the Petition. The Decision sets a schedule such that the SLRG must submit an opening statement by August 27, 2010. Public comments in response to the SLRG's submission are due September 27, 2010, and any reply by the SLRG is due by October 12, 2010.

Through this letter, Conejos County Clean Water requests a stay of all filing deadlines in this matter until the consummation of an ongoing collaborative negotiation process established by Congressman John Salazar, who represents the area of the affected communities. The process involves representatives from the local community, the SLRG, the Department of Energy, the Los Alamos National Laboratory, Conejos County, the Town of Antonito, Energy Solutions, Inc., and Congressman Salazar's Office. The purpose of this process is to reach consensus on the proposed operation, including the need for a county land use process or other review. Thus, the ongoing process may render the current proceeding unnecessary. Conejos County Clean Water has conferred with the SLRG and the Conejos County Board of County Commissioners on this proposal, and represents that both the Railroad and the County both support a stay of proceedings before the Surface Transportation Board pending consummation of the collaborative process, currently estimated at September 11, 2010. As a sign of support, SLRG has offered to submit a letter to the Surface Transportation Board affirming its support for the requested stay.

Therefore, Conejos County Clean Water respectfully requests that the Surface Transportation Board stay the current briefing schedule pending completion of the ongoing collaborative process. Conejos County Clean Water hereby commits to informing the Surface Transportation Board as to the outcome of the collaborative process, specifically to inform the Board as to whether the process was successful in resolving any issues and as to the need for further briefing before the Board.

Sincerely,

Mary Alice Trujillo, Chair, Conejos County Clean Water Inc.

cc: Ed Ellis, President, SLRG, Matt Abbey, General Manager, SLRG, Steve McCarroll, Conejos County Commissioner, Joe Mestas, Conejos County Commissioner, John Sandoval, Conejos County Commissioner, and Steve Atencio, Conejos County Attorney.

Conejos County Clean Water Inc.

P.O. Box 153

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720-939-9948

This is to certify that the letter submitted to the STB on August 25, 2010 requesting a stay was electronically delivered to Ed Ellis, President, SLRG railroad, Matt Abbey, General Manager, SLRG railroad, John Heffner, Attorney for SLRG railroad, Joe Mestas, Conejos County Commissioner, John Sandoval, Conejos County Commissioner, and Steve Atencio, Conejos County Attorney.

Please let me know if you need additional information.

**Best regards,
Mary Alice Trujillo**